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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robertson, S. Examiner: Rosen, N.
Serial No.: 10/634,627 Group Art Unit: 3625
Filing Date: 08/05/2003 Attorney Docket: ROBERT.P002D1
Title of Invention: System and Method for Providing Electronic Multi-Merchant Gift Registry Services Over a Distributed Network

Seattle, Washington 98109
December 20, 2007

Mail Stop - Petition
TO THE COMMISSIONER OF PATENTS
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.181

Applicant acknowledges receipt of a response mailed Nov. 17, 2007 to Applicant's 1.181 petition filed on Aug. 16, 2007, in which the petition was dismissed. Applicant hereby respectfully requests reconsideration of the petition under 37 CFR 1.181. It is the purpose of the Applicant's 1.181 petition to obtain from the Director his specific ruling as to whether the use of "official notice" in this case is in compliance with the rules of the MPEP or not. This is not an appealable matter, and therefore, it is believed that dismissal was not appropriate.

In the response to Applicant's petition, it is stated that the petition is directed to an appealable matter rather than a petitionable matter. The Director stated, that "rejections involving the merits of the claim[s] are subject to review by the Board of Patent Appeals and Interferences and will therefore not be reviewed by the Director." Applicant respectfully traverses this interpretation of the petition. By this request for reconsideration of Applicant's petition, Applicant wishes to make clear that Applicant did not intend, nor request, the Director to consider the merits of the claims. Applicant is petitioning to redress improper Examiner procedure under the rules of the MPEP, which procedural error Applicant believes is not appealable.

CERTIFICATE OF MAILING (37 CFR 1.8A)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450.

December 20, 2007

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Patrick Dwyer

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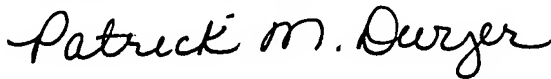
In specific, the Examiner has inappropriately used "official notice" in lieu of appropriate prior art citations. It is the purpose of the Applicant's 1.181 petition to obtain from the Director his specific ruling that the Examiner's use of "official notice" in this case is not in compliance with the rules of the MPEP. Further, within the petition, arguments are directed to the sections of the MPEP which specify the correct procedural usage of "official notice" and various court interpretations of those MPEP rules. No argument is directed to the merits of the claims.

The only reason Applicant has asked that the Director set aside every part of the rejections that are based upon the improper use of "official notice", is that setting aside those parts of the rejections seems the only effective remedy for improper procedure.

Since the Board of Patent Appeals and Interferences is not allowed to rule upon the proper or improper procedural usage of "official notice" by this Examiner, a petition under 37 CFR 1.181 is the only avenue open to Applicant to obtain redress for the improper procedural conduct in this case. Applicant, therefore, sincerely requests that the Director reconsider and thoroughly review Applicant's petition under 37 CFR 1.181 filed Aug. 16, 2007, and rule that the Examiner's use of "official notice" in lieu of prior art citation in this case is improper.

If there are any questions, Applicant requests a call to Patrick Dwyer at (206) 550-4049.

Respectfully submitted,



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